

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CESAR YSMAEL CLEMENTE III,

Defendant.

NO. CR21-063 RSM

**PROTECTIVE ORDER
RESTRAINING CERTAIN
FORFEITABLE PROPERTY**

THIS MATTER comes before the Court on the United States' Motion for Entry of a Protective Order Restraining Certain Forfeitable Property ("Motion"), of the following property:

1. One Desert Eagle 50 caliber Magnum Research pistol, bearing serial number DK0002091, and associated ammunition ("Subject Property 1");
2. Five black pistols, no serial numbers, no model numbers ("Subject Property 2");
3. Two loaded .45 caliber magazines ("Subject Property 3");
4. One Heckler & Koch HK45 .45 caliber pistol, bearing serial number 29006945 ("Subject Property 4");
5. One .45 caliber magazine and associated ammunition ("Subject Property 5");

6. One North American Arms .22 caliber Revolver bearing serial number BW06958 (“Subject Property 6”);
7. Four rounds of .22 caliber ammunition (“Subject Property 7”);
8. Two black rifles, no serial numbers, no model numbers (“Subject Property 8”);
- and
9. Six boxes of .45 caliber ammunition (“Subject Property 9”);

The Court, having reviewed the papers and pleadings filed in this matter, including the United States’ Motion and supporting Declaration of Federal Bureau of Investigation (“FBI”) Special Agent (“SA”) Shawna McCann, hereby FINDS entry of a protective order restraining the above-identified property (hereafter, the “Subject Property”) is appropriate because:

- The United States gave notice of its intent to pursue forfeiture in the Indictment and specifically identified Subject Property 1 for forfeiture (Dkt. No. 17);
- The United States also gave notice of its intent to pursue forfeiture in a Forfeiture Bill of Particulars (Dkt. No. 34) and Amended Forfeiture Bill of Particulars (Dkt. No. 35), and specifically identified Subject Property 2-9;
- Based on the facts set forth in SA McCann’s Declaration, there is probable cause to believe the Subject Property is subject to forfeiture in this case; and
- To ensure the Subject Property remains available for forfeiture, its continued restraint, pursuant to 21 U.S.C. § 853(e)(1), is appropriate.

NOW, THEREFORE, THE COURT ORDERS:

1. The United States’ request for a protective order restraining the Subject Property pending the conclusion of this case is GRANTED; and

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1 2. The Subject Property shall remain in the custody of the United States,
2 and/or its authorized agents or representatives, pending the conclusion of criminal
3 forfeiture proceedings and/or further order of this Court.
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5 IT IS SO ORDERED.
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7 DATED this 10th day of September, 2021.
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11 RICARDO S. MARTINEZ
12 CHIEF UNITED STATES DISTRICT JUDGE

13 Presented by:
14

15 s/Krista K. Bush

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